

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 4:14-CV-34 FI

FILED

APR 29 2014

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY WLF DEP CLK

Thomas Everette, Jr.

v.

Jesse Vann White

Whites Wrecking Service Inc.

William Anthony Barnes

Princeville Police Department

Town of Princeville

Diana Lee Draughn

Donyell Weaver

Amended Complaint

I. Plaintiff has not begun other lawsuits in federal Court dealing
With the same facts involved with this action.

II. Plaintiff did not present the facts relating to his Complaint
to the State Inmate Grievance Procedure

VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion
of administrative remedies and now submit this verified
Statement.

This Cause of action arose at Edgecombe County Tarboro, NC, and I am now being housed at Hyde Correctional Institution. Therefore, I do not believe I have administrative remedies relating to this Complaint at this time.

III. PARTIES:

A. Name of Plaintiff: Thomas Everette, Jr.

Name and address of present Confinement facility: Hyde Correctional Institution, P.O. Box 278 Swan Quarter NC 27885

B. Defendant: Jesse Vann White

Position: Owner/Operator

Employed at: White Wrecking Service, Inc.

Address: 1307 Cherry St Tarboro NC 27886

Capacity in which being sued: Individual and Official

C. White's Wrecking Service Inc.

Address: 1307 Cherry St Tarboro NC 27886

Capacity in which being sued: Individual

D. William Anthony Barnes

Position: Princeville Police Officer

Employed at: Princeville Police Department

Address: 3949 Old River Rd Greenville NC 27834

Capacity in which being sued: Individual and Official

E. Princeville Police Department

Address: Princeville NC 27886

Capacity in which being sued: Individual

F. Town of Princeville

Address: Princeville NC 27886

Capacity in which being sued: Individual

G. Diana Lee Draughn

Position: Notary

Employed at:

Address: 305 W. 10th St Scotland Neck 27874

Capacity in which being Sued: Individual

H. Donyell Weaver

Position: Deputy Sheriff

Employed at: Pitt County Sheriff Department

Address: Old River Rd Greenville NC 27834

Capacity in which being Sued: (in his individual and Official Capacity)

IV STATEMENT OF CLAIM

1. On or around July 4 2012 Jesse Vann White Owner and Operator of White Wrecking Service a North Carolina Corporation towed my 2003 BMW 745 LI WBAGN63493DR09415 that was driven by Brian L Perry with the Consent of the Owner Thomas Everette Jr. and his mother Alicia Perry Everette (Wife). The Vehicle was towed by order of Tarboro Police Dept. because the driver Brian L Perry went thru a road block and didn't have proof of Insurance. After the "BMW" was towed to Storage at White's Wrecking Service and was in possession "White" made no attempt to try to notify the Owner of the Vehicle. "White" Unlawfully did fail to file notice of Storage with DMV for the "BMW" Within the 5 day statutory time period. Unknowing to the lawfully Owner Thomas Everette, Jr. "White" sold the "BMW" to Officer William Anthony Barnes, Princeville Police Department without my authorization to sell. "White" unlawfully and willfully did sell the "BMW" to Barnes on On or around 9/26/2012 with the intent to permanently deprive me and my family property, without following the required Complete Procedure set forth by the Commissioner of The North Carolina Division of Motor Vehicles and The Clerk of Edgecombe County Superior Court for authorization of Sale of all towed motor Vehicles

In State of North Carolina for \$3,800.00 In Violation of North Carolina and United State Constitution.

2. On or around 10/23/2012 through 11/5/2012 "Barnes" unlawfully and feloniously did knowingly and designedly with the intent to Cheat and defraud Obtain and forged an NC Certificate of Title for my "BMW" from the DMV/LPA by means of a false pretense which Calculated to deceive and did deceive. "Barnes" knowingly submitted a forged and notarized MVR-4 (Title Application) apply and Complete the registration process to re-title my BMW to himself to permanently deprive me and my family of the use possession and enjoyment of said property. While my "BMW" was in the possession of "White" or "Barnes" the vehicle /property was further damaged by putting Surger, Oil, and water in the gas tank and engine. In Violation of North Carolina and United State Constitution.
3. On or around 10/23/2012 Diana Lee Draughn Conspire with "Barnes" who act under Color of Law. "Draughn" unlawfully and willfully notarize an MVR-4 (Title Application) for Barnes without having witnessed my Signature the owner of the "BMW". Draughn also unlawfully willfully and feloniously did Conspire with "Barnes" to Commit - the Felony of title fraud against me. "Barnes" who used his position and authority towards Draughn to permanently deprive me and my family of the use possession and enjoyment of the said property. In Violation of North Carolina and United State Constitution.
4. On or around 9/26/2012 or before Donyell Weaver Conspired with "Barnes" by Concealment or nondisclosure of serious Crime, by one who did not participate in the Crime but as "Weaver" being a Deputy Sheriff who knew what was going on and fail to report or file a Complaint, to prevent me and my family from being deprive of the use, possession and enjoyment of said property In Violation of North Carolina and United State Constitution.

V. RELIEF SOUGHT BY PLAINTIFF

WHEREFORE. Plaintiff respectfully prays that this Court enters Judgement granting Plaintiff:

1. A declaration that the Act and Omissions described herein Violated Plaintiff right under the Constitutions and laws of the United States and North Carolina.
2. A preliminary and permanent injunction ordering ALL defendant(s) not to infringe on Plaintiff God given right. And to pay monetary gain requested below.
3. Compensatoin Damages in the amount of \$75,000.00 Seventy five Thousand Dollars against each Defendant(s) Jointly and Severally
4. Punitive Damages in the amount of \$150,000.00 One Hundred Fifty Thousand Dollars against all Defendant(s)
5. A trial by a jury on all issues triable by jury.
6. Plaintiff Cost of this suit.
7. A Constructive Trust against All Defendants Bank accounts and property
8. And any additional relief this Court deems Just proper and Equitable.

Signed this 22nd day of April

Thomas Everett, Jr.

I declare under penalty of perjury that the foregoing is true and correct.

4-22-14
Date

Thomas Everett, Jr.
Thomas Everett, Jr.